

1  
2 UNITED STATES PATENT AND TRADEMARK OFFICE

3 -----  
4 BEFORE THE PATENT TRIAL AND APPEAL BOARD  
5 -----

6 US ENDODONTICS LLC,

7 Petitioner,

8 - against -

9 GOLD STANDARD INSTRUMENTS, LLC,

10 Patent Owner.

11 Case No. PGR2015-00019  
12 -----

13  
14 1133 Avenue of the Americas

15 New York, New York

16 September 12, 2016

17 10:12 a.m.  
18  
19  
20

21 DEPOSITION OF A. JON GOLDBERG, Ph.D., held at  
22 the above-mentioned time and place, before Sharon Lengel,  
23 a Registered Professional Reporter, Certified Realtime  
24 Reporter, within and for the State of New York.  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES :

PATTERSON BELLKNAP WEBB & TYLER, LLP

Attorneys for Petitioner

1133 Avenue of the Americas

New York, New York 10036

BY: JEFFREY S. GINSBERG, ESQ.

ABHISHEK BAPNA, ESQ.

ROTHWELL, FIGG, ERNST & MANBECK

Attorneys for Patent Owner

607 14th Street, N.W.

Washington, D.C. 20005

BY: DEREK F. DAHLGREN, ESQ.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STIPULATIONS

IT IS HEREBY STIPULATED, by and between the attorneys for the respective parties hereto, that:

All rights provided by the C.P.L.R., and Part 221 of the Uniform Rules for the Conduct of Depositions, including the right to object to any question, except as to the form, or to move to strike any testimony at this examination is reserved; and in addition, the failure to object to any question or to move to strike any testimony at this examination shall not be a bar or a waiver to make such motion at, and is reserved to, the time of this action.

This deposition may be sworn to by the witness being examined before a Notary Public other than the Notary Public before whom this examination was begun, but the failure to do so or to return the original of this deposition to counsel, shall not be deemed a waiver or the rights provided by Rule 3116, C.P.L.R., and shall be controlled thereby.

The filing of the original of this deposition is waived.

1

2

A. J O N G O L D B E R G, Ph.D.,

3

having first been duly sworn by

4

Sharon Lengel, the Notary Public,

5

was examined and testified as

6

follows:

7

EXAMINATION

8

BY MR. DAHLGREN:

9

Q. Good morning, Dr. Goldberg.

10

A. Good morning.

11

Q. Could please state your name and

12

address for the record.

13

A. A. John Goldberg, 30 Berwyn

14

Road, West Hartford, Connecticut.

15

Q. And you're the same Dr. Goldberg

16

that was previously deposed in this PGR

17

proceeding?

18

A. Yes.

19

Q. And you have provided two

20

declarations in this PGR proceeding?

21

A. Yes.

22

Q. And you're also the same

23

Dr. Goldberg that was deposed in IPR

24

2015-00632?

25

A. Was that the 773?

1           A.     Jon Goldberg, Ph.D.

2           Q.     Correct.

3           A.     The IPR concerning the Luebke  
4     773 patent, yes.

5           Q.     And you have also provided  
6     testimony litigation between Dentsply and  
7     petitioner in the Eastern District of  
8     Tennessee; is that correct?

9           A.     Yes.

10          Q.     I know we have done this a few  
11     times now. But just quickly to recap a  
12     few ground rules. It's important to give  
13     verbal answers for the court reporter.  
14     Likewise, if you don't ask me -- or --  
15     excuse me. If you don't understand a  
16     question, will you ask me to clarify it?  
17     Is that fair?

18          A.     That's fair.

19          Q.     Okay. And if you don't ask me  
20     to clarify, is it safe to assume that you  
21     understand the question?

22          A.     Hopefully, I'll ask a question  
23     if I think it's unclear.

24          Q.     Is there any reason you can't  
25     give truthful and accurate testimony

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.